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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,687	10/16/2003	Annapurna Karicherla	A03P1071	2607
36802	7590	07/26/2006	EXAMINER	
PACESETTER, INC. 15900 VALLEY VIEW COURT SYLMAR, CA 91392-9221			HOEKSTRA, JEFFREY GERBEN	
			ART UNIT	PAPER NUMBER
			3736	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,687	Applicant(s) KARICHERLA ET AL.	
	Examiner Jeffrey G. Hoekstra	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-18 and 20-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15-18 and 20-38 is/are rejected.
- 7) ☒ Claim(s) 18, 21, 28, 29 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice of Amendment

1. In response to the amendment filed on 05/12/2006, amended claim 13, canceled claims 14 and 19, and new claims 21-38 are acknowledged. The current rejections of the claims 13-20 are *withdrawn*. The following new and reiterated grounds of rejection are set forth:

Claim Objections

2. Claims 18, 28, 29, and 37 are objected to because of the following informalities:

3. The term "substantially" in claims 18, 28, 29, and 37 is a relative term that appears to render the claims indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The thicknesses of the thin film of hermetic material and of the insulating layer are unclear.

4. Claim 21 is objected to because of the following informalities: new claim 21 depends from canceled claim 14.

5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 13, 15-18, and 20-38 are rejected under 35 U.S.C. 102(b) as being anticipated as broadly as claimed by Schulman et al (US 5,750,926). For claims 13, 22-23, and 31-32, Schulman et al discloses an hermetically sealed implantable sensor for a cardiac pacemaker, comprising:

- an insulating substrate 100 defining an electrical feedthrough region (column 6 lines 16-21 and column 8 line 28 – column 10 line 10);
- a sensor 50 (column 6 lines 21-24) in contact with said substrate having electrical connectivity with an implantable lead;
- an electrical conductor 32,113 disposed within said feedthrough region;
- a bond wire 35,105 connecting said conductor to said sensor and disposed within an insulator and/or insulative deposit (column 5 lines 20-27 and column 8 line 28 – column 10 line 10);
- electronic circuitry 45 capable of generating electrical pulses as a pulse generator;
- an implantable lead 96 connected to said conductor and configured for connection to an implantable medical device (column 6 lines 21-24) having electrical connectivity with said pulse generator;

Art Unit: 3736

- a layer of insulating material 22,100 (column 3 line 60 – column 4 line 2)
encapsulating the sensor and substrate, wherein an inner surface of said film
contacts the outer surfaces of said sensor and substrate forming a voidless
encapsulation (column 1 lines 16-34 and column 8 line 28 – column 10 line 10)
 - a thin film of hermetic material 26,110,120 (column 3 line 60 – column 4 line 2)
encapsulating the layer of insulating material or the sensor and substrate, wherein
an inner surface of said film contacts the outer surfaces of said insulating material or
said sensor and substrate forming a voidless encapsulation (column 1 lines 16-34
and column 8 line 28 – column 10 line 10).
8. For claims 15, 25, and 34, Schulman et al discloses a substrate composed of
glass (column 3 lines 54-60).
9. For claims 16, 26, and 35, Schulman et al discloses a temperature sensor
(column 6 lines 21-24).
10. For claims 17, 27, and 36, Schulman et al discloses a hermetically sealing
material comprised of platinum (column 1 lines 35-47).
11. For claims 18, 28, 29, and 37, Schulman et al discloses using an insulating layer
thickness of 0.25 mil (column 6 lines 38-39) which equals 0.00635 mm and is thus
within the ranges of 10 nm to 0.1 mm and 5.0 nm to 0.5 mm.
12. For claim 20, Schulman et al discloses a conductive pad 36 of material
connecting said lead and said electrical conductor.

Art Unit: 3736

13. For claims 21, 30, and 38, Schulman et al discloses implanting the hermetically sealed circuitry connected to the lead to pace and sense the heart (column 1 lines 34-53 and column 2 lines 1-19).

Response to Arguments

14. Applicant's arguments with respect to claims 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3736


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGH

JH


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